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EPA
SUPERFUND BRANCH

Mr. Jim Christiansen
EPA Remedial Project Manager
U.S. EPA Region Eight
EPR-SR
999 18th Street, Suite 500
Denver, CO 80202-2466

8/6/03

Dear Jim,

I hope my letter finds you in good health and spirit.

I am enclosing a *Memorandum* I drafted a few days ago. The seriousness of my concerns can be taken as expressed in the memo.

The memo requires no response on your behalf and please consider it informative in nature. I believe we are heading into a future that will require some diligent thought on our behalf and I for one, want the process to build within a truly progressive and informed environment.

Thank you for the copy of the "Administrative Record" it adds to my growing collection of important material and will receive many hours of my personal attention as the future develops.

Keep up the "good work" and I look forward to seeing you.

Sincerely,


Gordon Sullivan

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MEMORANDUM

SUBJECT: Proposed Management Code System for Technical Advisor

FROM: Gordon Sullivan, Contract Technical Advisor, LATAG

TO: George Kick, Chairmen LATAG Board

DATE: 8/ 6/03

I have spent some time reviewing the content of the proposed Management Code System as it might relate to the work under contract through the Technical Advisor Position.

I support the need to categorize and report the assigned work as it relates to the various milestones presented within the body of the grant and the grant application. However, I would propose a number of changes to the system.

1) The assigned work effort listed under the Feasibility Milestone originally denoted the expenditure of \$16,000. This large of an expenditure for the FS is really not needed in that the EPA, early on, did a very abbreviated FS in support the Libby Project. There is certainly some degree of comment that can be made regarding the feasibility of the Libby Project however, it is more reasonable to downgrade the \$16,000 figure to something in the area of \$5000 over the life of the contract.

2) The Remedial Design Milestone is an area that will take intense review and an expanded effort could help the development of important assumptions and contributions within the Remedial Action Plan. In response to this proposed expanded effort, I have assigned an additional \$4000 to this contract element, making it more reflective of the actual work that might go into the evaluation and support of this strategic element.

3) After meeting with Jinn Christiansen twice over the last few months, I believe a large amount of the work effort will be necessary shortly before and during the months following the final development of the EPA Remedial Action Work Plan. Additional funds should be allocated to this effort in order to ensure completeness. (Taken from Feasibility Study Milestone). Funding the Remedial Action Milestone to the level of \$9000.

4) The remaining undedicated funds should be identified in what is referred to as a General and Administrative Account to be used for assigned activity outside the actual Scope of Work of the contract. It has been my experience federal contracts allow for approximately 10% of the total funds to be used in this manner. These funds will be used to achieve presently unassigned directives (White Paper presentation and future review of operational procedures, ER employee education on LATAG activities.)

5) There is no question, the Travel portion of the budget should include a total of \$3000. It is extremely important that the Technical Advisor network with other professionals in the field and attend national conferences on asbestos exposure as well as EPA conferences on Community Risk Communication.

Budgetary Changes Made

\$16,000 Feasibility Study Allocation reduced to \$5000 leaving \$11,000 open for reallocation-- of the unallocated funds, \$4000 should be assigned to the Remedial Design Milestone for research and \$4000 is assigned to the Remedial Action Milestone also identified for research. The remaining \$3000 is assigned to a General and Administrative Account. Travel is refunded to the level of \$3000.

Summary of Action

I believe it very important to be able to track the progress of the Technical Advisor Contract against a task related management system complete with assigned deliverables. However, as we do, we must take into full account the system, by its very nature, significantly reduces the overall flexibility of the contractor to respond to measures and assignments outside the specific work effort. This issue is extremely important to the success of the LATAG technical contract because of the complexity and depth of work done over the last three years by the EPA, outside scientists, medical researchers, EPA contractors. This scientific contribution to the Libby Project is not only voluminous, it is very interrelated to the final interpretation of each of the assigned milestones. It is my feeling, in his recent E-mail to the LATAG, Jim Christiansen said it best when he referred to the risk the Technical Advisor takes when he (Gordon)" merely scans a few documents and comes up with a conclusive report or couches conclusions as a result of this level of effort". I have gained respect for both the experience and insight offered by Jim in such matters and share his fears as to the potential impact we might have on the success of the Libby Clean-up Project as a result of non conclusive research. If we consider only the possibly impact a report stemming from the work of the Technical Advisor might have as it is examined for legal implication by W.R. Grace perhaps, a clearer picture of our negative potential might come to light. This could very well happen if our work is not as comprehensive as possible due to either the lack of assigned funds or the pressure of generating a final report or process evaluation.

Any of the Milestones presently assigned under the proposed Management Code System carries a research cap dictated by assigned funding. Much more important are the performance requirements imposed by the assignment of specific deliverables (reports and evaluations) under the proposed system. In fact, it is my feeling, the entire work effort is uniquely defined under the system and lacks the degree of flexibility necessary for expanded research or the employment of outside experts if it becomes necessary for evaluation completeness.

Jim Christiansen is exactly on point in the content of his recent E-mail and good examples of his concerns are all around us. For any Technical Advisor to read the scientific content of the Phase 1 and Phase 2 -Sampling and Quality Assurance Project Plans and on a single reading prepares a Summary Memo begs at least an interpretive challenge. Both the scientific detail surrounding exposure toxicity as well as sample testing procedures are inherent within the plans and unless bolstered with other supportive and comparative material a serious misinterpretation of the actual meaning of related assumptions becomes real possibility. The risky nature of the interpretative work we face as a technical assistance group becomes more important if it is presented publicly as a conclusion on behalf of either the Technical Advisor or the LATAG. Some of the meat behind the generation of the much talked about , DR. CHRIS WEIS, RISK MEMORANDUM-*Amphibole Mineral Fibers Source Materials in Residential and Commercial Areas of Libby Pose an Imminent and Substantial Endangerment to Public Health*, stem from the work done on the Phase 1 and Phase 2 documents as well as work done after their preparation and on going efforts presently underway. To merely read the documents and render a final conclusion at any point in time, is unfair to the progression of the science and inconclusive by its very nature. On the other hand, in the event a technical report is generated, it may immediately becomes a part of a growing Administrative Record and in as much, becomes open for a host of outside interpretation.

I agree with Jim in his concerns relating to our final role in the interpretation of both the complex science and actual work protocols used in the Libby Clean-up process. I have arrived at my conclusion in light of the staggering impact we could deliver to the success and continued funding of the project's efforts. However, I also realize the positive impact we will have on the overall success of the project if our work is allowed to be comprehensive in content and we feel good standing by our final evaluation reports and activity summaries. My fear is, by placing absolute funding limits on both the assigned tasks and master scope of work assigned under the grant, coupled with assigned written deliverables, we might be setting ourselves and the project up for an outside review unsupported by a comprehensive level of work necessary to arrive at truly defensible assumptions.

I thank you for the time it has taken for you to wade through my comments and I hope my reservations are not taken as an effort to stifle the development of a much needed Management Control System. My desire is really very simple, I believe we can have a tremendous impact on Jim's ability to do a good job here in Libby and I would like to be a progressive part of that process due to my long-term connections to the

community. This is a very complex project, surrounded by high science and we need to take the time to understand our work to the highest degree possible if our impact is to be really supportive to the overall efforts. I believe the TAG Grant is one of the first steps in our ability to do so. However, if we are not willing to expand our field of study to a significant level, it is quite possible we could have a negative impact on the good work already completed by others concerned about Libby's health and welfare.

I have recalculated my *July Time Log* to reflect the in-place *Management Code System* and hope you take my constructive comments under advisement as the system matures over the next month.

Thank you,



Gordon Sullivan

cc: Administrative file,
Jim Christiansen, EPA Remedial Project Manager